

REMARKS

Receipt of the Office Action of August 17, 2010 is gratefully acknowledged.

In reply, a further RCE application has been filed along with this RESPONSE and an IDS for further proceedings.

Claims 19 - 22 have been indicated as allowed, while claims 8 - 17 have been rejected under 35 USC 103(a) over Jackson et al.

This rejection is again traversed.

Paragraph [0018] is again the focus of attention. The examiner states that "In the same paragraph 18, the reference disclose that the PC monitors input signals representing condition variables, performs calculations using data derived from the input signals, and performs supervisory functions that may include adjustment of control variable. If the device is adjusting control variables , then the parameters under which the device is operating is now being changed or selected to be at specific values which are selected b y the PC, the PC being the evaluation unit."

The procedure outline above by the examiner does not amount to a "parameter set selection." Adjusting the control variables, paragraph [0018], is not the same as selecting a parameter set.

The examiner is urged to again reconsider the above rejection and find claims 8 - 17 and new claim 23 also allowed.

The additional art cited in the attached IDS includes references which came to light during the prosecution of this application in other countries. Like Jackson

et al, they too do not teach the evaluating unit and its function as noted in the pending claims.

In view of the foregoing, reconsideration and reexamination are respectfully requested and claims 8 - 17 and 23 found allowable along with claims 19 - 22.

Date: December 17, 2010

Respectfully submitted,
BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to read 'Felix J. D'Ambrosio', written over the printed name.

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